

**REMARKS****Drawings**

Being submitted concurrently herewith is a letter requesting approval of changes to the drawings in which it is merely being requested that certain additional numerals be added to Figs. 1, 2 and 4 to further conform the drawings to the description set forth in the specification.

**Specification**

The specification has been amended merely to correct a typographical error on page 3 of the substitute specification.

**Claims Rejections Under 35 U.S.C. §§ 102 and 103**

Claims 1-7 and 11 were rejected under 35 U.S.C. § 102(a) is being anticipated by U.S. Patent No. 6,059,648 to Kodama et al for the reasons set forth on pages 2 and 3 of the Action.

Claims 1-4 and 6-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 4,962,568 to Rudy et al in view of U.S. Patent No. 5,372,539 to Kunig et al or Great Britain Patent No. 2,129,278 to Meyn for the reasons set forth on pages 4-6 of the Action.

Claims 11-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,021,024 to Villemin

et al in view of Meyn for the reasons set forth on pages 6 and 7 of the Action.

Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kodama et al and further in view of Villemin et al for the reasons set forth on pages 7 and 8 of the Action.

For the reasons set forth hereafter, it is submitted that claims 1-7 and 11-13, as amended, are patentable.

#### Patentability of the Claims

The present invention is directed to removing fillets of poultry carcasses having the extremities detached therefrom by using a scraping device that includes a disc-like scraping element. Applicants' invention further includes a measuring device for measuring the individual dimensions of the carcass and a control unit for communicating carcass dimensions with the scraping device.

Applicants are claiming both a device for removing fillets from poultry carcasses whose extremities have been detached as well as a method for removing fillets from poultry carcasses whose extremities have been detached. By this Amendment, the claims have been amended to further define Applicants' invention.

With respect to the Kodama et al '648 patent, this patent relates to an automatic deboning method and apparatus which shows a rotatable processing unit in which poultry carcasses are processed and to which, initially, the extremities are still attached to the carcasses. Thus, the patent refers to "breast meat is separated together with wings" at col. 1, lines 7-13; "stripping breast meat using wings" and "severing breast meat off from the wings" at col. 3, lines 10-13; "wings attached to the breast meat stripped in the breast meat stripping step" at col. 4, lines 33 and 34; and "breast meat stripping is performed in the steps of: grasping the left and right wings attached with the caput humeris 105" at col. 22, lines 22-24.

Moreover, attached is a copy of a brochure of the Applicant of the '648 patent, Mayekawa Mfg. Co. Ltd., in which step 9 refers to "breast meat stripping" and "breast/wings cut-up" in step 9 and wherein the diagram on the second page of the brochure refers to the 9th station as "breast meat stripping" and "breast/wings cut-up". Thus, it is clear from both the patent itself as well as an additional brochure from Mayekawa that the breast fillet is stripped and/or skinned by means of the wings attached to the fillet. Only then are the membranes cut as described with respect to the 10th station in

the patent and step 10 in the brochure, in order to reach the inner fillet and to remove or pull the fillet away.

Thus, the apparatus and method shown in Kodama et al is quite different from the present invention in which the shoulder joints are measured in order to separate the breast fillet from the carcass by scraping wherein the carcass has no extremities. In Kodama et al, in the sixth station or step 6, a measurement is carried out in order to determine the position for cutting the sinews/tendons between the wings and the fillet (7<sup>th</sup> and 8<sup>th</sup> station). However, this measurement in Kodama et al has nothing to do with the measurement of the present invention in which it is necessary to find a starting position for loosening the fillets from the skeleton by scraping.

Another significant difference between Kodama et al and Applicants' device is that Kodama et al does not disclose a scraping device as the Examiner stated. The element 71, referred to by the Examiner as a scraping device, is a rotary cutter type of cutting device that is clearly described in the Kodama et al patent at col. 23, lines 1-20. Accordingly, the Kodama et al '648 patent does not anticipate nor render obvious any of the claims in the present application.

With respect to the rejection of claims 1-4 and 6 and 7 as being unpatentable over the Rudy et al '568 patent in view

of the Kunig et al '539 patent or the Great Britain '278 patent to Meyn, the Rudy et al patent is directed to a method and apparatus for automatically cutting or processing food products, primarily fish fillets, to a predetermined weight or shape. The Rudy et al apparatus more specifically concerns the dividing and/or cutting up of meat which has already been removed from the skeleton of a carcass. Thus, in Rudy et al, the processing method commences at the point at which the apparatus according to Applicants' invention has already completed its processing.

In addition, the features 138-146 referred to by the Examiner as "at least one scraping device" are not, in fact, scraping devices. Thus, referring to col. 7, lines 30-50, the element 138 is a flexible ribbon, 140 is a plow, 142 is a pin, 144 is a bar, and 146 is a bracket. Accordingly, it is submitted that at no time would a combination of Rudy et al with any other cited reference lead to the present invention, irrespective of whether single features are evident from the prior art documents.

Moreover, neither Meyn '278 nor Kunig et al '539 disclose disc-like scraping elements. Feature 27 of Meyn is merely a cutting disc or element and the element 46 of Kunig et al is a stripper roll while the element 49 is a deflection roller. The rollers 46 and 49 of Kunig et al are merely used for

removal of meat which has already been separated from a skeleton. Accordingly, a person skilled in the art would have no reason whatsoever to combine the teachings of the Rudy et al '568 patent with either or both of the teachings of the Meyn '278 patent or the Kunig et al '539 patent. Moreover, even if one were to combine these references, it would not lead to Applicants' apparatus and method as now claimed.

It is very important to note that the object of Applicants' invention is to scrape, not cut, the fillets from the skeleton of a poultry carcass, thus increasing the yield of fillet meat while at the same time producing a visually pleasing product.

The primary reference relied upon in rejecting claims 11-13 is Villemin et al '014 patent. In the device and method according to Villemin et al, the extremities of the carcasses are not detached before the fillets are removed, contrary to the assertion by the Examiner in the Action that Villemin et al relates to removing fillets from eviscerated carcasses of poultry whose extremities have been detached. This is a generic and fundamental difference from Applicants' invention since, as defined in claim 11, the fillets are removed from poultry carcasses whose extremities have already been removed.

Moreover, the Examiner refers to Villemin et al as disclosing scraping tools H and J. The Villemin et al patent

in col. 5, lines 55-58 refers to stations H and J having "devices identical to those used in stations D and E". In col. 5, lines 3-7, the stations at D and E are referred to as having "a chain-type saw" device. Clearly, these are not scraping devices.

With further regard to Villemin et al, at positions D and E of the device, the fillets of poultry carcasses have already been cut, and only thereafter are the extremities removed. In this method, the individual carcass dimensions are not detected, so that control of a scraping device is a function of the size of the product to be processed as disclosed in Applicants' invention, cannot be performed.

In addition, in the method according to Villemin et al, the controller 11, first checks whether there is a carcass present in the device, and second, checks the position thereof. The controller 11 guides the rotating blades which perform the shallow incision. The controller 11 of Villemin et al therefore has little in common with the detection of the size of the poultry carcass as in Applicants' invention.

Accordingly, the combination of Villemin with either Meyn or Kodama et al does not render Applicants' invention as now claimed obvious.

In view of the foregoing amendments and remarks,  
Applicants contend that this application is in condition for  
allowance. Accordingly, reconsideration and reexamination are  
respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gene W. Stockman".

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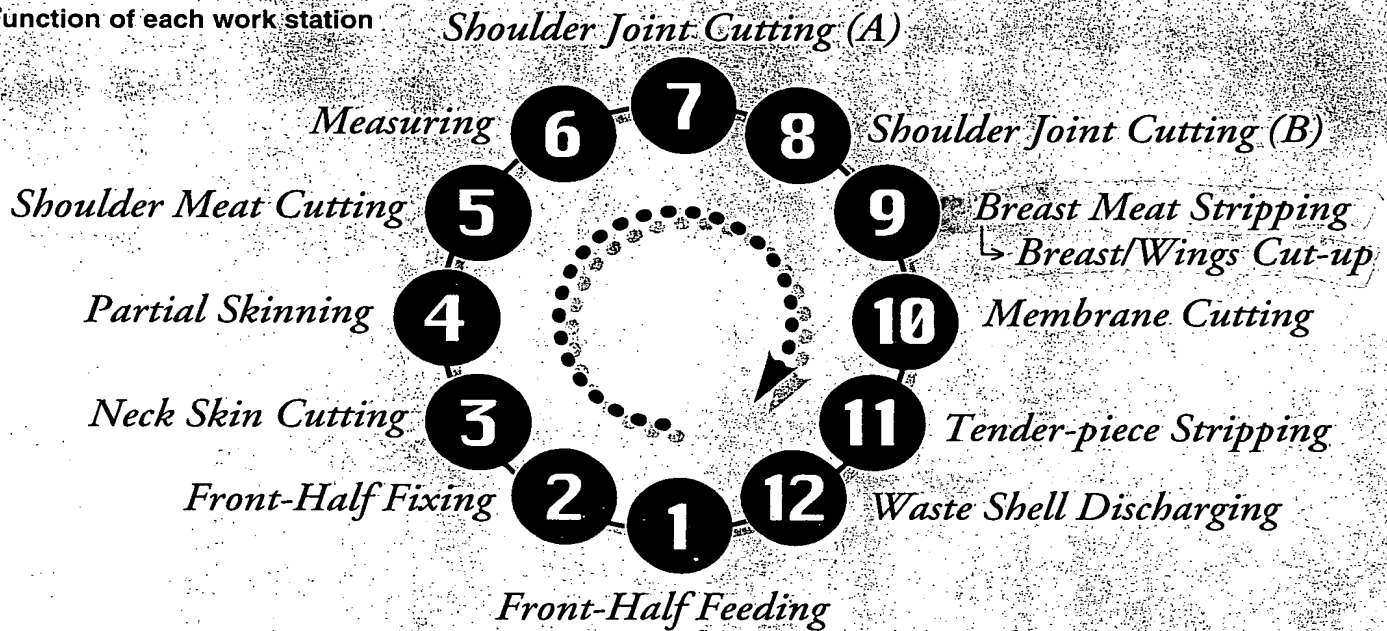


# MYCOM

## YIELDAS

### Chicken Breast deboning machine

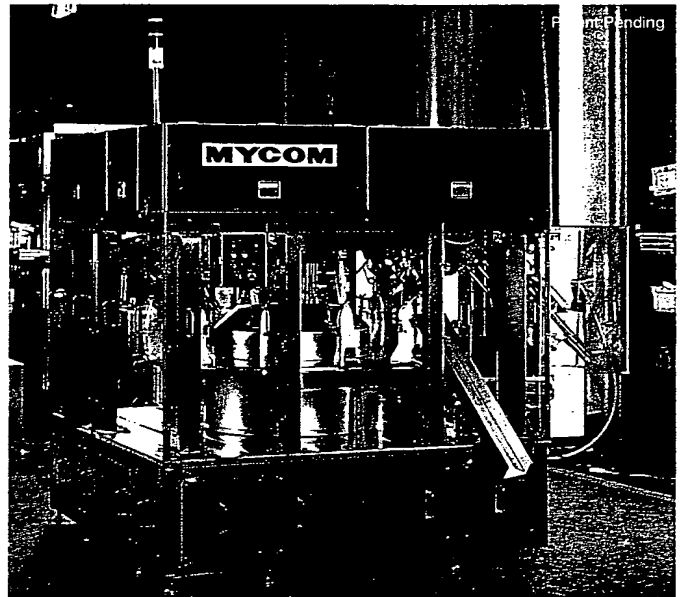
Function of each work station



#### INTRODUCTION

MYCOM has newly developed a state-of-the-art Automatic chicken breast deboning machine, YIELDAS, by taking advantage of the same poultry meat processing robotic technology of TORIDAS, the Chicken whole-leg deboning machine, as well as the expertise of manual deboning procedure of poultry meat while having accomplished six (6) times faster deboning speed of breast meat and tender-filets than that of the skilled manual worker and also integrated an automatic device of wing-parts cut-up in 3 pieces. YIELDAS has two major features of note, and one is the measuring process at the 5th work station, which results in eliminating the sorting of raw material in sizes, and achieves an optimum deboning result regardless of different sizes in individual raw material. The other major feature is the tender stripping process at the 10th work station. By shallowly cutting a part of the very thin membrane wrapping the tender with an edge tool at the 9th work station we succeed in stripping off the complete tender without the membrane, without any damage. YIELDAS, with its fully automated self-calibration feature, is easily operated by an unskilled worker and constantly achieves a higher deboning yield rate than any other conventional breast deboning machine.

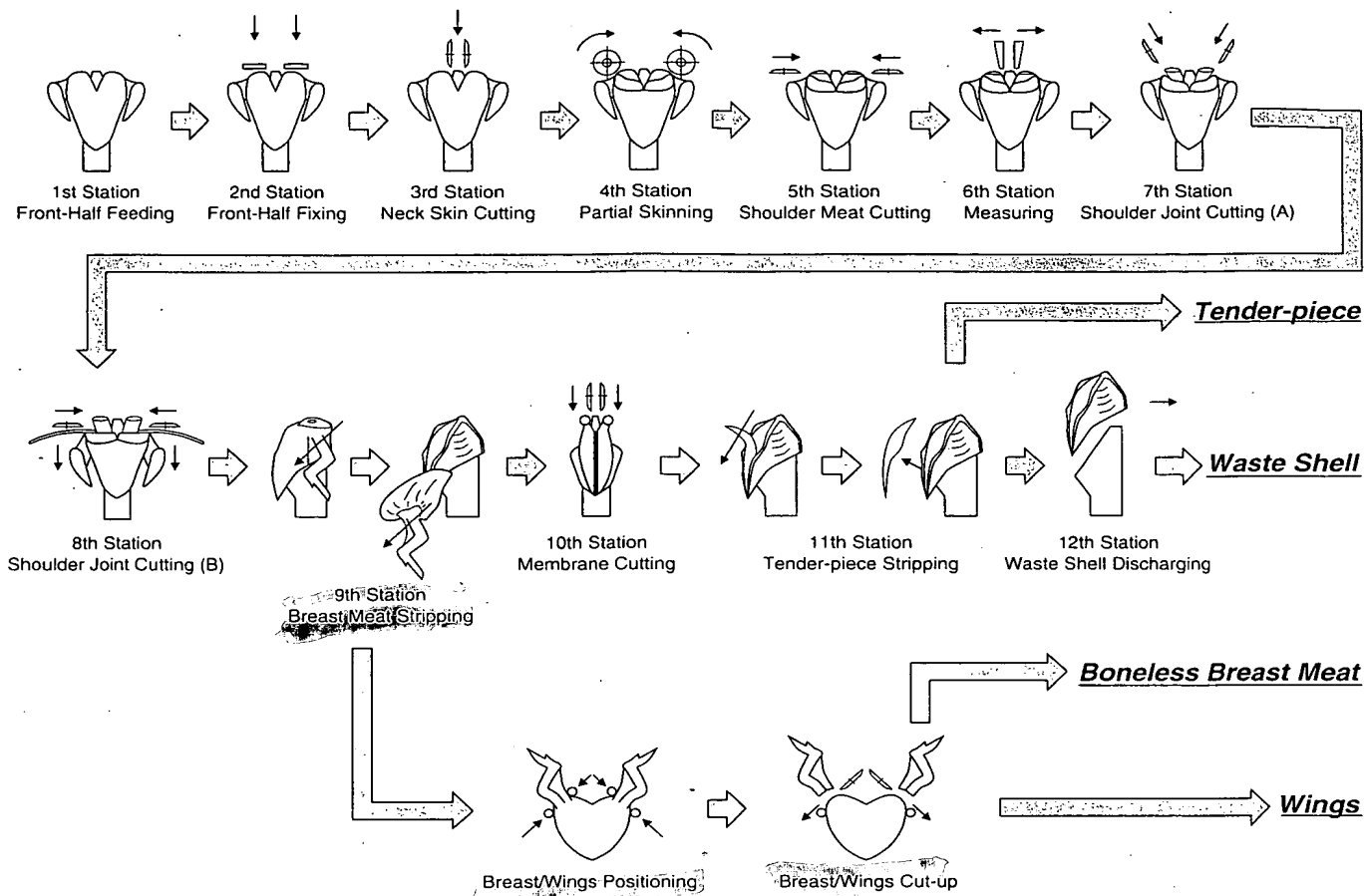
YIELDAS provides very hygienic boneless breast meat together with segmented wing parts in compliance with HACCP rules and, in addition, a higher production yield outcome with fewer workers.



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## Process of each work station



## SPECIFICATIONS

- 1) Final products : Skin-on boneless breast, tender-filets, wing-parts
- 2) Capacity : 900 pieces per hour (i.e. 15 pieces per min.)
- 3) Raw material : Front-half carcass with wings
- 4) Applicable weight : between 1,000g (2.2 lbs) and 1,300g (2.9 lbs)
- 5) Required Electricity : AC200V, 50/60Hz, 3 Phase, 12kVA
- 6) Compressed Air : 1,000 l/min, 6 bars
- 7) Require worker : One (1) worker for carcass loading
- 8) YIELDAS Weight : 2500kg (5500 lbs)
- 9) Dimension : 2,300mm long, 2,900mm wide, 2,100mm high

*8th & 7th Team de plan sur  
Folyp*

Mayekawa Mfg. Co., Ltd. has been accredited by D.N.V. for ISO14001 as well as ISO9001.

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